

DOCKET NO.: 70332-4/US**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: **Ghildyal *et al.***Application No.: **10/040,884**Group Art Unit: **1646**Filed: **January 7, 2002**Examiner: **Mertz**For: **Human Receptor Tyrosine Kinase**

Mail Stop Petitions
Director of the U. S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Petition Under 37 C.F.R. §1.181 to Withdraw an Improper Holding of Abandonment

Dear Sir:

Applicants hereby petition the Director for the withdrawal of an improper holding of abandonment in the above-noted application. Attached hereto is a copy of the Notice of Abandonment, mailed October 14, 2005. The Notice alleges that Applicants have failed to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance. The Notice of Allowance was mailed February 10, 2005. Applicants paid the issue fee on May 5, 2005 via facsimile, with authorization for the Director to charge Deposit Account Number 26-0166. Applicants submit that the issue fee was timely paid, since May 5, 2005 is within the statutory period of three months from February 10, 2005. Copies of the Fee Transmittal, our internal facsimile transaction report, and the USPTO Auto-Reply Facsimile Transmission sheet are attached.

In light of the circumstances described above, Applicants submit that the Notice of Abandonment was improperly issued. It is therefore respectfully requested that this holding of abandonment be withdrawn and that the patent should issue.

**Facsimile**

Please deliver to Examiner immediately.

Date: October 20, 2005

Fax No.: 703-308-5065

To: Attention: Kendrick Spruill

Art Unit:

Appln. No.: 10/040,884

Filing Date: 01/07/2002

Docket No.: Z70332-4 US

From: Robin Quartin

No. of Pages:
(including this one) 8

If transmission is not complete or is illegible, please contact me at 302-886-4836

Certificate of Transmission under 37 CFR 1.8

I hereby certify that the following correspondence is being facsimile transmitted to the United States Patent and Trademark office on:

Fran Toutkaldjian
Typed or Printed Name


Signature

Attachments

1) Petition Under 37 C.F.R. §1.181 to Withdraw an Improper Holding of Abandonment

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**DOCKET NO.: 70332-4/US
PATENT APPLICATION**

**SERIAL NO.: 10/040,884
FILED: JANUARY 7, 2002**

Applicants do not believe that any fee is required for the submission of the present petition. However, any necessary fees may be charged to Deposit Account Number 26-0166. If a phone call may be helpful to expedite this matter, the Office may contact Applicants' undersigned attorney at 302-885-9129.

Respectfully submitted,



Robin S. Quartin, Ph.D.
Registration No. **45,028**
(302) 885-9129

Date: *Oct. 20, 2005*



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,884	01/07/2002	Namit Ghildyal	70332-4/US	1513
22466	7590	10/14/2005	EXAMINER	
ASTRA ZENECA PHARMACEUTICALS LP GLOBAL INTELLECTUAL PROPERTY 1800 CONCORD PIKE WILMINGTON, DE 19850-5437			MERTZ, PREMA MARIA	
			ART UNIT	PAPER NUMBER
			1646	

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

10/040,884

Applicant(s)

Ghildyal

Examiner

Art Unit

Mertz

1646

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

silk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

TRANSACTION REPORT

MAY-05-2005 THU 01:00 PM

DATE	START	RECEIVER	TX TIME(L)	PAGES	TYPE	NOTE	M#	DP
MAY-05	12:59 PM	917037484000	49"	(1)	1 SEND	OK	037	

TOTAL : 49S PAGES: 1

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSU FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSU FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "Fee Address" for maintenance fee notifications.

(CHECK) CORRESPONDENCE ADDRESS (Please Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

2246b 1500 02/10/2005

ASTRA ZENECA PHARMACEUTICALS LP
GLOBAL INTELLECTUAL PROPERTY
1800 CONCORD PIKE
WILMINGTON, DE 19850-5437

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSU FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

FRANCIS TOLDKALNIAK (Examiner's name)
FRANCIS TOLDKALNIAK (Signature)
MAY 5, 2005 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,884	01/07/2002	Namit Chidyal	70332-4/US	1513

TITLE OF INVENTION: HUMAN RECEPTOR TYROSINE KINASE

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	05/10/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
MERTZ, PREMA MARIA	1646	514-002000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/122) attached. Use of a Customer

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is

1. Robin S. QUARTIN

2. _____

3. _____

Auto-Reply Facsimile Transmission



Fax Information
Date Received: 5/5/2005 1:18:17 PM [Eastern Daylight Time]
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